



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

September 10, 1991

Mr. Mike Feary
Chief Criminal Investigator
Prosecutor Assistance and Special Investigations Unit
Criminal Law Enforcement Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR91-403

Dear Mr. Feary:

You advise that the Office of the Attorney General has received a request for information pursuant to the Open Records Act, article 6252-17a, V.T.C.S. You ask whether the information requested is subject to required public disclosure under that Act. Your request was assigned ID# 13142.

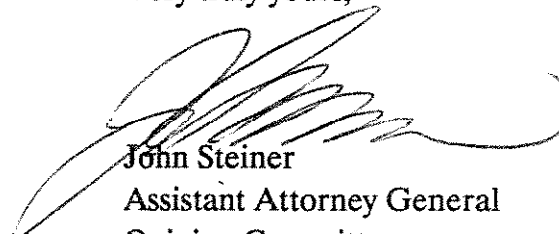
The requestor seeks a report prepared by the United States Department of Justice concerning certain alleged instances of police brutality, as well as correspondence and memoranda relating to that report. You advise that a letter from Attorney General Morales to Attorney General Thornburgh and a memorandum from First Assistant Attorney General Will Pryor to Attorney General Morales is to be furnished to the requestor. You assert that the report of the Department of Justice and the transmittal letter of Attorney General Thornburgh are excepted from required public disclosure under section 3(a)(1) and 3(a)(8) of the Open Records Act. You advise that the Office of the Attorney General has no other information responsive to the request.

A previous determination of this office, Open Records Decision No. 561 (1990), copy enclosed, resolves your inquiry. Where a federal agency shares information with a governmental body in Texas pursuant to a policy affording the governmental body greater access to the information than that afforded to the general public, section 3(a)(1) of the Open Records Act will except such information from public disclosure if the information is confidential in the hands of the federal agency under federal law. Attorney General Thornburgh's transmittal

letter of May 29, 1991, to Attorney General Morales makes clear both that the U.S. Department of Justice considers the information shared with the state of Texas to be confidential under federal law, and that Texas is being given special access to the information for law enforcement purposes. Accordingly, the information in the report of the U.S. Department of Justice must be withheld. However, we find no basis in either section 3(a)(1) or 3(a)(8) of the Open Records Act for withholding the transmittal letter of Attorney General Thornburgh. That letter must be released.

Because a prior published open records decision resolves your inquiry, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling please refer to OR91-403..

Very truly yours,



John Steiner
Assistant Attorney General
Opinion Committee

JS/lb

Ref.: ID# 13142

Enclosures: Open Records Decision No. 561

cc: Jack H. Taylor, Jr.
Investigative Reporter
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